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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,271	01/11/2007	Alessio Corazza	6023-189US (BX2850M)	6570
570 7590 01/06/2009 PANITCH SCHWARZE BELISARIO & NADEL LLP ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103				
EXAMINER				
WON, BUMSUK				
ART UNIT		PAPER NUMBER		
2889				
MAIL DATE		DELIVERY MODE		
01/06/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,271

Applicant(s)

CORAZZA ET AL.

Examiner

BUMSUK WON

Art Unit

2889

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 4/4/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallitognotta (US 2003/0090202) which is cited in the IDS in view of Amiotti (US 2003/0230793).

Regarding claim 1, Gallitognotta discloses a cathode (11) comprising a metallic bearing part (12) at least partially coated with a layer of getter material (21), wherein the getter material is made of zirconium, vanadium yttrium, and so on (paragraph 16).

However, Gallitognotta does not specifically disclose the material is selected from: alloys comprising zirconium, cobalt and at least one component selected from yttrium, lanthanum and rare earths such that, in a ternary diagram of weight % compositions, the alloys are enclosed in a polygon defined by the following points: a) Zr 81%-Co 9%-A 10% b) Zr 68%-Co 22%-A 10% c) Zr 74%-Co 24%-A 2% d) Zr 88%-Co 10%-A 2% wherein A is an element selected from yttrium, lanthanum, rare earths, and mixtures thereof; alloys consisting of yttrium and aluminum containing at least 70% by weight yttrium; and alloys consisting of yttrium and vanadium containing at least 70% by weight yttrium.

Amiotti discloses a getter material having Zr 80.8%, Co 14.2%, and yttrium 5% (paragraph 26), for the purpose of removing contaminant material effectively.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a getter material having Zr 80.8%, Co 14.2%, and yttrium 5% in the cathode disclosed by Gallitognotta, for the purpose of removing contaminant material effectively.

Regarding claim 2, Gallitognotta discloses the metallic bearing part comprises nickel (paragraph 15).

Regarding claim 3, Gallitognotta discloses the metallic bearing part has a hollow cylinder shape (paragraph 12).

Regarding claim 4, Gallitognotta discloses the getter material layer is formed by cathodic deposition (paragraph 7).

Regarding claim 5, Gallitognotta discloses the getter material layer has a thickness of less than 20 microns (paragraph 17).

Regarding claim 6, Gallitognotta discloses the metallic bearing part (12) has a shape of a hollow cylinder (paragraph 12), and wherein during the cathodic deposition (paragraph 7) the part is at least partially coated on one or both internal and external surfaces of the cylinder by masking with a suitably shaped support element (paragraph 21).

Regarding claim 7, Gallitognotta discloses the getter material layer is formed by electrophoretic deposition (paragraph 7).

Regarding claim 8, Gallitognotta discloses the metallic bearing part (12) has a shape of a hollow cylinder (paragraph 12), and wherein during the electrophoretic deposition (paragraph 7) the part is at least the partially coated on one or both internal and external surfaces of the cylinder by partial immersion in a liquid suspension containing getter particles used for the deposition (paragraph 22).

Regarding claim 9, Gallitognotta discloses the step of masking one of the surfaces to achieve the partial coating (paragraph 21).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BUMSUK WON whose telephone number is (571)272-2713. The examiner can normally be reached on Monday through Friday, 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minh Toan Ton can be reached on 571-272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bumsuk Won/
Examiner, Art Unit 2889